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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,340	10/25/2001	Scott J. Robinson	P-10076	3840
27581	7590 07/31/2003			
MEDTRONIC, INC. 710 MEDTRONIC PARKWAY NE MS-LC340		EXAMINER		
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MINNEAPOL	LIS, MN 55432-5604		ART UNIT	PAPER NUMBER
	•		. 2833	
	•		DATE MAILED: 07/31/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: The amendment to claim 40 requires further consideration and explanation.  3. Applicant's reply has overcome the following rejection(s):		Application No.	Applicant(s)				
Examiner Felix O. Figueroa  2833  -The MALLING DATE of this communication appears on the cover sheet with the correspondence address →  THE REPLY FILED 27 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.10 may gull, be either (1) a timely filed amendment which place the applicacion in condition for advanced (2) of the period of the	Advisory Action	10/045,340	ROBINSON ET AL.				
THE REPLY FILED 27 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to a world abandonment of this application. A proper reply to a final rejection under 37 CFR 1.116 may only be either. (1) a timely filed warment of this application. A proper reply to a final rejection under 37 CFR 1.116 may only be either. (1) a timely filed warment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.112 (beck either a) or b)  a) The period for reply expiresmorths from the mailing date of the first rejection.  b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no expert, however, with the statutory period for reply expires to make the Morth's form the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.117(a) is calculated from: (1) the expiration date of the shortened statution; period for reply originally set in the final Office action; or (2) as set forth in (5) above, if checked. Any reply received by the Office later than three emotivas after the mailing date of the final rejection, even if timely filed, may reduce any series developed the complex of the period of the period of the final rejection and form and the corresponding amount of the final rejection of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.136(a). The proposed amendment(s) will not be entered because:  (a) May the present additional claims will not be entered because:  (b) The proposed or amended claims without cancel		Examiner	Art Unit				
THE REPLY FILED 27 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.  PERIOD FOR REPLY [check either a) or b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS Of THE FINAL REJECTION. See MPEP 000.0770.  District of the major be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action, or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any carried and the corresponding amount of the fice. The appropriate extension fee under 37 CFR 1.136(a) and set from the mailing date of the final rejection of the period set forth in 37 CFR 1.136(a) or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. ★ The proposed amendment(s) will not be entered because:  (a) ★ they arise new issues that would require further consideration and/or search (see NOTE below);  (b) ★ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  NOTE: The amendment to claim 40 requires further		Felix O. Figueroa	2833				
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<ul> <li>b)</li></ul>	PERIOD FOR REPLY [check either a) or b)]						
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<ul> <li>37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.794(b).</li> <li>1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</li> <li>2. The proposed amendment(s) will not be entered because: <ul> <li>(a) they raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) they raise the issue of new matter (see Note below);</li> <li>(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: The amendment to claim 40 requires further consideration and explanation.</li> <li>3. Applicant's reply has overcome the following rejection(s):</li> <li>4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) would be allowable if submitted in a separate, timely filed amendment application in condition for allowance because:</li> <li>6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</li> <li>7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</li> <li>The status of the claim(s) is (or will be) as follows:  Claim(s) objected to:  Claim(s) wit</li></ul></li></ul>	event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee						
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10. Other:	9. Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)						
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RENEE LUEBKE PRIMARY EXAMINER							